IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Bail Appl..No. 305 of 2007()

Crime No.515/04 of Kayamkulam Police Station

: PETITIONER/1ST ACCUSED

JOSE, VATTAVELIL, KARIMALOOR MURI,
KARIMALOOR VILLAGE, PUNALUR TALUK.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS: COMPLAINANT

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1. SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 305 of 2007

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Dated this the 19th day of January, 2007.

ORDER

Petitioner, who is the first accused in Crime No.515 of 2004 of Kayamkulam Police Station for an offence punishable under Section 398A read with Section 34 I.P.C., seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the J.F.C.M.-I, Kayamklulam in C.C.No.19 of 2006, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

With this direction, this application is disposed of.

V.Ramkumar,

Judge.

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